

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ADAN ISACK YUSUF,  
Petitioner,  
v.  
JEFFERY UTTECHT,  
Respondent.

Case No. 2:18-CV-503-RSL-MAT

ORDER DISMISSING  
PETITIONER'S HABEAS  
PETITION WITH PREJUDICE

The Court has reviewed petitioner's amended petition for writ of habeas corpus (Dkt. #9), respondent's answer to the petition (Dkt. #13), petitioner's reply (Dkt. #27), the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge (Dkt. #28), petitioner's objections to the Report and Recommendation (Dkt. #29), and the remaining record. It is hereby ORDERED that:

1. The record has been fully developed, and petitioner's request for an evidentiary hearing is DENIED;

## 2. The Report and Recommendation is ADOPTED;<sup>1</sup>

3. Petitioner's amended habeas petition and this action are DISMISSED WITH PREJUDICE;

4. In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED; and

<sup>1</sup> The Court notes that petitioner has now argued that his counsel advised the trial court that he was “too unprepared to be effective” (Dkt. #29 at 4), in addition to a breakdown of communications (Dkt. #27 at 2). The change does not affect the outcome because it does not establish petitioner’s innocence. See Schlup v. Delo, 513 U.S. 298, 321 (1995).

1           5. The Clerk is directed to send copies of this Order to petitioner, to counsel for  
2 respondent, and to Judge Theiler.

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4           Dated this 23rd day of May, 2019.

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*Robert S. Lasnik*

6           Robert S. Lasnik

7           United States District Judge

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